with respect to the use of the mixing medium such as air and sealing. However, the Applicants respectfully submit that one skilled in the art would not make the combination, but in any event, Mazza does not cure the deficiencies of Sakazume, irrespective of such disclosure of an air mixing medium and sealing.

The rejection states that Mazza discloses at column 7, lines 13-16 the use of a cuvette sealer to seal the top of used cuvette at the cuvette disposal location. However, the top of the cuvette is sealed by a sealer, after an air jet is directed against the sample liquid surface from the top (opening) of the cuvette. In other words, mixing the sample solution in the sealed cuvette by an air jet is impossible.

In sharp contrast, in Claims 1 and 5, fine particles or air bubbles are mixed (added) in the solution, the solution is sealed, then the sealed solution is agitated by moving fine particles or air bubbles. Therefore, the Applicants respectfully submit that one skilled in the art would not be motivated to combine Mazza with Sakazume. Thus, the rejection is inapplicable.

Additionally, the combination would still not result in the subject matter of Claims 1 and 5. With respect to Claim 1, the Applicants seal the solution with the seal and the carrier and then move the fine particles or air bubbles without allowing contact thereof with the selective binding substance-immobilized surface. The Applicants respectfully submit that Sakazume in view of Mazza does not disclose, teach or suggest this. Instead, quite the opposite is the case, particularly with respect to air bubbles contacting the contents of the container. In that regard, Mazza discloses a plurality of air jets which cause mixing of the entire contents of the cuvettes by contact of air with the entire contents. The first air jet 15 causes an initial mixing and a second air jet 15a causes a remixing which includes all of the contents of the cuvettes as those contents are added.

Therefore, it is clear from the teachings of Mazza that the air jet is intended to impact the

liquid contents of the cuvettes to cause mixing. Thus, the Applicants' claimed "movement" of air bubbles (or fine particles) is occasioned "without" contact with the selective binding substance-immobilized surface. This is essentially the opposite of the teachings of Mazza which deliberately cause the air to contact the contents of the liquid and the surface of the container.

Therefore, the Applicants respectfully submit that if one skilled in the art were to introduce the teachings of Mazza into Sakazume, the result would essentially be the opposite of what the Applicants do in Claim 1 with respect to moving the fine particles or air bubbles without allowing contact with the selective binding substance-immobilized surface. The methodology resulting from the combination of Mazza with Sakazume would deliberately introduce the air jet 15 and 15a of Mazza into the cylindrical containers 10 of Sakazume with the intention of contacting the air with the contents and at least a limited portion of the interior surfaces of those containers. The problem is that the Applicants claim something quite different. The Applicants therefore respectfully submit that Sakazume in view of Mazza is inapplicable to Claim 1 and the claims depending therefrom.

With respect to Claim 5, the Applicants immobilize a selective binding substance on a number of convexes, seal the solution with a seal and then move the fine particles or air bubbles. The Applicants respectfully submit that Sakazume in view of Mazza fails to disclose, teach or suggest this. Sakazume discloses a number of cylindrically-shaped containers much in the same way that Mazza discloses a multiplicity of essentially cylindrically shaped cuvettes except that the lower ends of the cuvettes are typically test-tube shaped. There are no convexes in any of the Sakazume and Mazza containers. In fact, the shapes of the containers are limited to concave shapes and there are, therefore, inherently no convex portions. It therefore inherently further follows that there are no top faces of such nonexistent convexes.

Therefore, the Applicants respectfully submit that even if one skilled in the art were to import

the sealing teaches and the air jet teachings of Mazza into Sakazume, there would still be a complete paucity of disclosure with respect to the Applicants' claimed top faces of convexes. As such, the Applicants respectfully submit that both of Sakazume and Mazza are nonenabling as prior art and inherently cannot support a rejection under §103. Withdrawal of the rejection is respectfully requested.

Finally, with respect to both of Claims 1 and 5, the Applicants respectfully submit that Mazza teaches sealing the cuvettes merely to facilitate the disposal. In sharp contrast, the contents of the Mazza containers remain open until after the contents have been added, the contents are mixed together and the diagnostic activity/analysis at reading stations 90 has already occurred. Hence, even if one skilled in the art were again to import the teachings of Mazza into Sakazume, the sealing that occurs would be a final step prior to disposal, as opposed to sealing the solution with a seal and a carrier as recited by the Applicants at a point prior to final activity wherein it is important to move the fine particles or air bubbles. Thus, the Applicants respectfully submit that this is yet another reason why the combination is inapplicable against Claims 1-14. Withdrawal of the rejection is again respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,

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